

CEQA Scoping Report

Prospect Island Tidal Habitat Restoration Project Environmental Impact Report

Lead Agency/Project Sponsor:

California Department of Water Resources

Fish Restoration Program Agreement

August 2013



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1. INTRODUCTION

The California Department of Water Resources (DWR), the lead agency implementing the California Environmental Quality Act (CEQA), and the California Department of Fish & Wildlife (CDFW) have initiated environmental compliance documentation for the Prospect Island Tidal Habitat Restoration Project (project), a component of the Fish Restoration Program Agreement (FRPA), in Solano County, California. This includes the preparation of a Draft Environmental Impact Report (DEIR), which will be prepared in compliance with CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, Sections 15000 and 15387). The DEIR will evaluate the environmental effects of restoring tidal freshwater emergent marsh wetland and open water habitats on Prospect Island.

Under CEQA, scoping is an early and open process for determining the scope of issues to be addressed in the DEIR. During the scoping process, the CEQA lead agency is required to invite potentially affected federal, state, local agencies, potentially affected Indian tribes, and other interested persons to provide input on the scope of the environmental analyses to be conducted for the project. The CEQA lead agency is also required to hold at least one public scoping meeting for projects of statewide, regional, or area-wide significance.

DWR initiated the CEQA process by issuing a Notice of Preparation (NOP) on May 17, 2013 to solicit input and comments on the scope of the DEIR. Stakeholders were provided over 30 days from the date of receiving the NOP to comment on the NOP and inform the scope of the DEIR. The review period of the NOP began May 17, 2013, and ended June 21, 2013. DWR received comments from 14 entities including federal and state agencies, local interest groups, local residents, farmers, and landowners. DWR held a public scoping meeting on June 10, 2013 to identify public concerns and comments on the DEIR scope.

This CEQA Scoping Report summarizes the scoping process conducted for this project, as well as the oral and written comments received during the formal public scoping comment period.

1.1. Organization of the Scoping Report

This document is organized in three sections. Section 1 describes the project and the scoping process. Section 2 describes the comments received during the scoping process, either at the public scoping meeting or as formal comment letters submitted via the project website, e-mail, fax, and mail. Both oral and written comments are documented in Section 2. Most responses included more than one comment, and comments are grouped together by issue topics. Section 3 lists the individuals and agencies that provided written and oral scoping comments. Appendix A includes materials used to notify the public of the scoping meeting. Appendix B contains the meeting materials. Appendix C includes the written comments received during the scoping period. Appendix D includes a list of the abbreviations used in this document.

1.2. Project Background

The Fish Restoration Program Agreement (FRPA) between the California Department of Water Resources (DWR) and the California Department of Fish and Wildlife (CDFW) addresses specific habitat restoration requirements of the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Biological Opinions (BiOps) for State Water Project (SWP) and Central Valley Project operations. FRPA also addresses the habitat requirements of the CDFW Longfin Smelt Incidental Take Permit for SWP Sacramento-San Joaquin Delta operations.

The primary objective of FRPA is to implement the fish habitat restoration requirements and related actions of the BiOps and the ITP in the Delta, Suisun Marsh, and Yolo Bypass. FRPA is focused on restoring 8,000 acres of intertidal and associated subtidal habitat in the Delta and Suisun Marsh to benefit delta smelt, 800 acres of mesohaline habitat to benefit longfin smelt, and a number of related actions for salmonids. Habitat restoration actions implemented in compliance with the USFWS BiOp may also meet the habitat restoration requirements of the ITP.

The project is the proposed restoration of an approximately 1,600-acre property located in Solano County in the northern portion of the Sacramento-San Joaquin River Delta to tidal wetland habitat. The project is intended to partially fulfill the requirements stated above.

1.3. Scoping Meeting Notification

DWR noticed stakeholders about the NOP and the scoping period and meeting through the following methods:

- Posting in the State Clearinghouse
- Paid advertisements in the Sacramento Bee and the Rio Vista Beacon
- Certified mailing of the NOP to a list of 34 interested and affected stakeholders
- Email notice of the NOP with a link to access it online was sent to FRPA's listserv of 150 recipients, including agencies, organizations, and individuals that have shown interest in the project
- Information was posted on the FRPA program website
- Communications during previously scheduled stakeholder outreach and coordination meetings

Copies of advertisements and meeting notice materials are included in Appendix A.

1.4. Scoping Meeting

DWR conducted one scoping meeting, on June 10, 2013 from 7:00 – 9:00 p.m. in West Sacramento, CA, to solicit comments and input on the scope of the DEIR.

The scoping meeting began with a 15-minute “open-house” activity where participants were invited to browse project maps and ask questions and discuss specific issues of concern with agency and program staff.

The open house was followed by presentations made by DWR and program staff and consultants. The presentations provided information on: the meeting process and how to provide public comment; the CEQA process, scoping process, and compliance with CEQA regulations; and FRPA and the Prospect Island project. Copies of the meeting materials are included in Appendix B.

A public comment session was held after the presentations, during which meeting attendees were invited to provide formal oral comments. These comments are summarized in Section 2 below. During the scoping meeting, participants also were encouraged to submit written comments, or to take home comment forms to submit by mail, e-mail, or fax before close of the comment period on June 21, 2013. Four individuals attended the scoping meeting. These written comments are also summarized as part of this report and are included in their entirety in Appendix C.

1.5. Other Public Involvement Strategies

In addition to soliciting and collecting comments on the project during the scoping period, DWR and CDFW engaged with key stakeholders and the general public prior to the scoping period in a variety of ways as outlined by the [Prospect Island Communications and Engagement Plan](#). This plan outlines several public involvement strategies to be undertaken throughout the project's CEQA process to inform and involve all levels of leaders, managers, stakeholders, and the general public about project activities, progress, actions, and documents. The strategies include: informational briefings through existing stakeholder engagement venues, with local governments and agencies, and with other interested stakeholders; engaging landowners and other potentially affected stakeholders to inform project design; periodic and timely presentations; partnerships with local organizations to reach out and involve constituents; information dissemination on the project website and through the project listserv; publications including fact sheets and newsletters; and frequent and ongoing stakeholder coordination.

The following stakeholder and public outreach meetings were held prior to the scoping period.

Date	Venue/Stakeholder Group	Format
8/21/12	BDCP Management Team Meeting	Interagency Coordination
10/16/12	Bay Delta Science Conference	Conference Presentation
10/24-25/12	DRERIP Evaluation	Expert Panel Review
11/14/12	Delta Conservancy All-Delta Public Meeting	Public Presentation
1/10/13	US Army Corps Operations Branch and Port of West Sacramento	Coordination Meeting
1/17/13	Delta Conservancy Board	Public Presentation
1/17/13	Delta Independent Science Board	Public Presentation
2/1/13	Arrowhead Marina	Coordination Meeting
2/14/13	Solano County Water Agency	Coordination Meeting
2/26/13	Port of West Sacramento and Bar Pilots Association	Coordination Meeting
3/4/13	Solano County Department of Resource Management	Coordination Meeting
3/7/13	RD 2068 and North Delta Water Agency	Coordination Meeting
3/28/13	Delta Protection Commission	Public Presentation
4/4/13	RD 501	Coordination Meeting
4/18/13	US Army Corps Operations Branch and Central Valley Flood Protection Board	Interagency Coordination
4/24/13	IEP-CWEMF Joint Conference	Conference Presentation and Poster
4/30/13	U.S. Army Corps of Engineers	Interagency Coordination
5/21/13	Lorraine Stringer	Coordination Meeting
5/23/13	Yolo Bypass Working Group	Public Presentation
6/5/13	North Delta Water Agency	Coordination Meeting

2. PUBLIC COMMENTS RECEIVED THROUGH SCOPING

This section summarizes the range of scoping comments received through the scoping period. These comments raised issues that will be taken into consideration by the FRPA agencies, and may require further coordination with the commenter or the relevant organization. The summary of comments presented in this section is organized by topic area and arranged in alphabetical order. This organization does not represent a relative importance among comments or topic areas, but rather is intended to facilitate presentation of comments in an orderly manner.

In total, 14 entities provided written and/or oral comments through the scoping process.

2.1. General

Two comments stated that a thorough and complete project description (including a description of all phases of the Project, equipment to be used, access roads, staging areas, construction procedures, construction schedule, and long-term monitoring of mitigated lands and biological resources) should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. One of these comments stated that this project description should be precise in describing project details related to the California State Lands Commission allowable activities in order to inform the Commission's analysis of the work to be performed at the site.

Another comment stated that the EIR should include a cumulative impacts section to determine all past, present, and probable future projects in the area that may contribute to a greater level of environmental impacts. This analysis should define the cumulative impacts "study area" boundary, show the locations of other projects included in the analysis, and explain how those projects and the proposed project may interact. The comment indicated that if potentially significant cumulative impacts are identified, the EIR should propose feasible mitigation measures to minimize those potential impacts.

An additional comment indicated that in order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, or enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (according to State CEQA Guidelines).

2.2. Aesthetics

One comment expressed concern about vegetation removal along the road on the north side of Prospect Island, close to Arrowhead Marina, and stated that these aesthetic impacts should be evaluated.

2.3. Air Quality and Greenhouse Gas

Two comments stated that the effect of global warming and associated potential rise in sea levels along the California coast and associated effects on local hydrology, water quality, and perimeter levee stability should be studied in the EIR. The comments indicated that the project area and facilities/infrastructure could be affected under the common range of sea level rise scenarios.

One comment stated that a greenhouse gas emission (GHG) analysis that is consistent with the California Global Warming Solutions Act should be developed. The comment stated that the EIR should list all expected equipment and vehicles to be used as well as their duration of use and their GHG emissions rate, identify a threshold of significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the project, and determine significance of the impacts and those emissions. If impacts are significant, the comment stated that mitigation measures that would reduce the impacts to the extent feasible should be identified in the EIR.

2.4. Biological Resources

A comment indicated that DWR should work closely with CDFW, USFWS, and National Marine Fisheries Service (NMFS) during development of the EIR to identify any special-status plants or wildlife species occurring in the project area that may be affected by the project. The comment indicated that although the project may result in cumulative positive impacts to target species, project construction could result in temporary impacts to species that are not the beneficiaries of the restored tidal marsh. As such, the EIR should analyze the potential for the project to impact all sensitive species in the project area, and to identify all feasible mitigation if impacts to these species are found to be significant.

Another comment expressed concern that if new habitat for endangered species is created, Reclamation District operations could be negatively impacted.

Another comment expressed that the potential for bass to enter the restoration area is a possibility and suggested that this be studied. The comment also noted that there are currently fishes on Prospect Island, especially visible at night.

One comment stated that DWR should verify that the state objectives in the NOP are consistent with Delta Plan Policy ER R2, which calls for restoring habitats at appropriate elevations and in a manner consistent with Section III of the CDFW's *Draft Conservation Strategy for the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Region* (DFG 2011).

One comment stated that DWR should verify in its environmental analysis that the project is consistent with Delta Plan Policy EP P5 (23 CCR Section 5009), which states that the potential for new introductions of, or improved habitat conditions for, nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem. Another comment stated that the EIR should examine whether elements of the project would favor non-native fish with the Sacramento-San Joaquin River Delta.

One comment indicated that Delta Plan Recommendation ER R2 states that the project should ensure connections between areas being restored and existing habitat areas and other elements of the landscape needed for the full life cycle of the species that will benefit from the restoration project. The comment also indicated that ER R2 recommends enhancing the ability of the Yolo Bypass to flood more frequently to provide more opportunities for migrating fish, especially Chinook salmon, to use this system as a migration corridor that is rich in cover and food.

One comment indicated that project-level activities related to habitat restoration and management should be done in coordination with local and regional Habitat Conservation Plans, and stated that the project should coordinate with Caltrans in instances where DWR and

Caltrans programs share stewardship responsibilities for habitats, species, and/or migration routes.

One comment stated that the EIR should consider the project's potential to encourage the establishment or proliferation of aquatic invasive species such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. The comment indicated that these species could be brought in from construction boats and barges via biofouling, wherein marine and aquatic organism attach to and accumulate on the hull and other submerged parts of a vessel. If the environmental analysis finds potential impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring hull cleaning from contractors.

One comment stated that the EIR should include a complete assessment of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. In addition, this comment urged planners to consider direct and indirect changes (temporary and permanent) that may occur with implementation of the project, including changes downstream of the project. This comment also stated that rare, threatened, and endangered species should be addressed according to CEQA Guidelines 15380.

One comment indicated that a California Endangered Species Act (CESA) permit is recommended if the project has the potential to result in take of species of plants or animals listed under CESA, and encouraged early consultation.

One comment indicated that because the project's intent is to create rearing habitat for endangered or threatened species, the EIR should consider the potential for additional safeguards to reduce the risk of harm from intake pumps used to divert surface water for irrigation on adjacent islands. The comment noted that some safeguards are costly or can interfere with pumping operations and stated that those issues should be addressed as well.

One comment expressed concern about beavers in the project area.

2.5. Collaboration, Consultation, Coordination

One comment suggested that public transparency be included in the intentions of the project, and reflected that some members of the community are concerned about the potential link between the Prospect Island project and other DWR initiatives such as the Peripheral Canal proposal. Clear communications about the project and its link to other projects could increase public support.

A comment noted that the Central Valley Flood Protection Board (CVFPB) is responsible for flood safety within California's Central Valley and maintains the integrity of existing flood control systems, regulated streams and designated floodways through its regulatory authority, and has provided assurances to the U.S. Army Corps of Engineers (USACE) to operate and maintain federal-state facilities of the State Plan of Flood Control, including Miner Slough and the east levee of the Sacramento Deep Water Ship Channel. CVFPB has assigned the operations and maintenance responsibility of Miner Slough and project levees along Miner Slough and the DWSC to Reclamation District 501. The comment stated that a permit is required prior to any work defined under California Code of Regulations, Title 23, Section 6, because those facilities could be impacted by the project.

A comment noted that the project could be a “covered action” under the Delta Reform Act, established as a certification process for compliance with the Delta Plan, in which case DWR must certify that the covered action is consistent with the Delta Plan and must file a certificate of consistency with the Delta Stewardship Council (DSC) that includes detailed findings. The comment noted that not all actions that occur in whole or in part in the Delta are covered actions, but specified that the definition of a covered action is provided in California Water Code Section 85057.5(a). The comment stated that project staff should engage in early consultation with DSC staff to determine whether the project is a covered action.

One comment stated that DWR and CDFW should adhere to the policy set forth in the FRPA Implementation Plan to develop an adaptive management plan consistent with the framework described in the Delta Plan in the environmental analysis and evaluation of alternatives. In addition, one comment stated that Delta Policy G P1 (23 CCR Section 5002) specifies what must be addressed in a Certification of Consistency filed by a state or local public agency with regard to a covered action, and stated that all covered actions need to document the use of best available science.

One comment noted that ecosystem restoration covered actions must include adequate provisions, appropriate to the scope of the covered action, to assure continued implementation of adaptive management, satisfied through an adaptive management plan that describes the approach to be taken, consistent with the adaptive management framework in the Delta Plan regulations.

One comment indicated that the Port of Sacramento may require the Prospect Island property as mitigation acreage for the Deep Water Ship Channel deepening project. The comment noted that the Port would like to coordinate with DWR to ensure that the habitat project is consistent with USACE mitigation requirements related to dredging, as well as coordinate on any planning, design, or construction activities related to the project, in order to mitigate impacts to navigation of the channel.

2.6. Cultural Resources

One comment stated that the cultural resource assessment that has already been prepared for the property should be further discussed in the EIR and that the findings of this assessment be attached as an appendix to the EIR, excluding or redacting confidential sensitive site information as appropriate.

One comment stated that the EIR should evaluate potential impacts to submerged cultural resources in the project area. The California State Lands Commission (CSLC) maintains a shipwrecks database that can assist with the analysis, and the comment stated that DWR should contact CSLC to obtain shipwrecks data from the database, as submerged archaeological sites or submerged historic resources that have remained in State waters for more than 50 years are presumed to be significant.

One comment stated that the EIR should mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC.

2.7. Geology and Soils

One comment indicated that the north levee of Prospect Island and the southeast levee on Little Holland are limited height levees, and the project would need to follow the height specifications

of these and other project levees. In addition, the comment indicated that all levees need to have protection against water and wave action on both the water and land sides.

One comment expressed that the project should protect the Prospect Island levees to enable other levees to protect neighboring properties from wave effects of to the prevailing west wind.

Two comments observed that in the past when Prospect Island has been inundated, Ryer Island also usually becomes saturated, purportedly due to the presence of horizontal sand lenses that run beneath both islands. As a result, the comments stated that the EIR should examine the geologic and hydrologic structure of Prospect Island, identify potential linkages with surrounding areas with shared sand lenses, and consider the effects that permanent flooding of Prospect Island would have on surrounding areas, in an effort to decrease the potential for increase of overall head pressure on sand lenses and avoid greater soil saturation and groundwater seepage on Ryer Island.

Another comment addressed the potential for seepage with excavation of channels, and stated that the results of the Ryer Island seepage analysis and any hydraulic influences for Prospect Island should be included in the environmental analysis.

One comment stated that the EIR should include an analysis of the off-site source locations for the sediment to be imported to the project site.

One comment expressed a concern about the potential increase of sedimentation and erosion within the Sacramento River Bank Protection Project. The comment stated that impacts on maintenance work (including erosion, vegetation management, and sediment removal; and associated financial costs) should be addressed under the cumulative effects analysis for the project. The comment also stated that mitigation measures and project design alternatives should avoid potential adverse impacts to the facilities and design flood carrying capacities of the project.

One comment indicated that since the proposed project is in the Sacramento-San Joaquin River Delta, sediment quality and suitability should be tested. The comment stated that the EIR should include avoidance and mitigation measures to reduce potential release of mercury/methylmercury and other toxins from project activities into waterways and onto state lands underlying those waterways.

2.8. Hydrology and Water Quality

The primary concerns that commenters expressed during the scoping period were related to hydrology. Comments stated that any significant impacts to water quality should be identified in the environmental documentation.

One comment indicated that because the Central Valley Regional Water Quality Control Board (CVRWQCB) identified the CSLC as a nonpoint source discharger of methylmercury, any action taken that might result in mercury/methylmercury suspension within the Sacramento-San Joaquin Delta Estuary may affect the CSLC's efforts to comply with the CVRWQCB's Total Maximum Daily Load.

These comments states that the effects of flood events on water levels and water rising and draining in the case of flood events should be studied. Several comments raised concern about trapping tidal water on the island in cases of tidal fluctuations, and would like water to move with tidal fluctuations rather than having Prospect Island serve as a water storage site.

One comment indicated that some project-level activities may affect riparian flow patterns upstream of bridges, trestles, culverts, or other structures for which Caltrans hold responsibility, and as a result, the EIR should include hydrological studies to determine whether such impacts will occur and identify appropriate mitigation measures.

Several comments stated that the project should reduce, or at least not increase, flood risk.

One comment stated that the DEIR should examine the circumstances under which Prospect Island would flood, and the water depths needed for flooding parts of Prospect Island that have varying depths.

One comment expressed concern about the quality of water entering reclamation ditches, and stated that the effects of stagnant water on reclamation ditches should be studied.

A comment stated that potential changes in Delta salinity and increased seawater intrusion should be examined in the EIR to ensure that appropriate avoidance or mitigation measures are developed if necessary. This comment indicated that hydrodynamic modeling has shown that tidal marsh restoration in the Delta has the potential to increase seawater intrusion into the Delta. Other potential impacts that the comment stated should be evaluated in the EIR include: changes in salinity at drinking water intakes in the Delta, including bromide and chloride concentrations and other increases in salinity that could “otherwise substantially degrade water quality” in the absence of standards violations (per California Code of Regulations, Division 6, Chapter 3, Article 20, Appendix G); changes in compliance with water quality objectives set by the State Water Resource Control Board’s Decision 1641; changes in the position of the 2 parts per thousand isohaline on the Sacramento River (X2 position); and changes in upstream reservoir releases needed to meet water quality objectives.

One comment stated that the project should avoid lowering water quality or water levels during irrigation season.

Another comment stated that the EIR should evaluate the feasibility of designing operable overflow weirs that can limit the number of Prospect Island flood events and have a positive flood effect by flooding the Island in the instance of high water with high tides, as the controlled flooding of Prospect Island can lower water elevation during flood flows and high tides.

One comment indicated that the project may require a Lakebed and Streambed Alteration Agreement, pursuant to CDFW Code Section 1600 for project activities within or near Miner Slough and the Sacramento Deep Water Ship Channel that will: divert or obstruct the natural flow; change the bed, channel or bank including associated riparian or wetland/marsh resources; use material from the stream/channel bed; or substantially adversely affect fish and wildlife resources.

A similar comment indicated that consideration should be made early on to provide maximum flexibility to sustain the project area’s primary flood control purpose and avoid adverse cumulative impacts to facilities of the State Plan of Flood Control and the Sacramento River Flood Control Project. It was stated that any activity that encroaches on Miner Slough or the east levee of the Deep Water Ship Channel should not adversely impact flood system integrity, conveyance, design water surface elevation, or operations and maintenance.

Several comments stated that the potential for scouring damage to neighboring levees should be studied in the EIR. Two comments expressed concern about the potential for scour effects caused by changed diversion and pumping practices on a restored wetland (i.e., Prospect

Island) and stated that the EIR should also examine the scour effects that could be caused by potential levee breaches, changes in surface water flow related to the location, method, and quantity of surface water diversions, as well as the location, method and quantity of surface water releases from Prospect Island into the surrounding waterways. Other comments stated that the EIR should consider how scour effects will be impacted under a variety of river conditions such as high flows from upstream reservoir releases, and how a rise in river level from upstream reservoir releases will be monitored and managed to prevent scouring of surrounding levees.

One comment expressed concern about how diversions of surface water onto and return flows from Prospect Island will be monitored and managed, as surface water diversions are subject to restrictions in time, quantity, and location, according to water rights.

One comment stated that the EIR should study the effects of water transfers involving Delta water supply and of altering existing flow patterns due to levee breaches on local water salinity level. The comment stated that the EIR should also incorporate continued monitoring of local water salinity levels, with respect to the changes incurred from proposed levee breaches under current and future conditions as a result of cross-regional water transfer agreements.

One comment stated that the EIR should consider Delta Plan Recommendation WQ R1 (stating that water quality in the Delta should be maintained at a level that supports, enhances, and protects beneficial uses identified in the applicable State Water Resources Control Board or regional water quality control board water quality control plans).

One comment raised a concern about the potential adverse effects of the project on adjacent land, such as increases in Ryer Island groundwater levels, increased scour on the Ryer Island Miner Slough levee, and increased flood risk. The comment stated that the EIR should address these concerns in a manner consistent with Delta Plan Policy P2 (23 CCR Section 5011).

2.9. Land Use/Planning

One comment indicated that the use of Prospect Island as a wetland habitat involves different use of water as compared to its historic agricultural activities, and stated that the EIR should consider how use of water on Prospect Island will be monitored and managed to ensure that consumptive use remains within the limit of existing Prospect Island water rights, and that the interests of other water rights holders are not injured.

One comment indicated that because the project is located entirely on public land, it is consistent with the part of Delta Plan Policy DP P2, which calls for ecosystem restoration plans to pursue sites on existing public lands before purchasing privately owned sites.

One comment indicated that the California State Lands Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable waterways, as well as certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the projects of the Common Law Public Trust.

One comment indicated that the portion of the project in Miner Slough is located on lands under the jurisdiction of the California State Lands Commission (CSLC). As a result, a lease from CSLC will be required and the comment stated that the environmental review should determine the extent or location of the project on CSLC lands and if needed, submit detailed maps and/or

engineering designs to CSLC to determine the exact components of the project that will require a lease.

2.10. Noise

One comment stated that the EIR should evaluate noise and vibration impacts on fish and birds from construction, restoration, or flood control activities in the water, on the levees, and for land-side supporting structures. The EIR should describe weir installation in detail and evaluate whether any activities necessary for the weir installation could generate noise and underwater acoustic impacts that could affect species in the project vicinity. The comment indicated that mitigation measures could include species-specific periods when work would not negatively impact species, as defined by CDFW, USFWS, and NMFS.

2.11. Operations and Maintenance

One comment stated that levee maintenance and operations (e.g., levee patrols in high water events) should have an agency assigned to the task as well as dedicated long-term funding.

Two comments stated that the EIR should address the perpetual, ongoing maintenance of the Prospect Island levees that will not be breached, identify where responsibility for maintenance rests, and describe approaches for conducting maintenance in light of potentially flooded and ecologically sensitive surroundings, given that Prospect Island levees are critical to providing fetch length across the water and provide protection for surrounding area levees.

2.12. Permitting and Enforcement

One comment pointed out that waterways involved in the project are subject to a public navigational easement, which provides that the public has the right to navigate and exercise the incidences of navigation in a lawful manner on state waters that are capable of being physically navigated by oar or motor-propelled small craft. The activities completed under the project must not restrict or impede the easement right of the public.

2.13. Public Services

One comment indicated that the Delta “as place” should be protected, and that the project should contribute to protecting and enhancing the unique cultural, recreational, natural resource, and agricultural values of the Delta, as well as enhance opportunities for visitor-serving businesses according to Delta Plan Recommendation DP R17.

2.14. Recreation

One comment addressed the potential for Prospect Island to be accessible and navigable by boat and expressed concern about the associated potential for increased recreation access by duck hunters.

One comment indicated that Delta Plan Recommendation DP R11 calls for water management and ecosystem restoration agencies to provide recreation opportunities, including visitor-serving business opportunities, at new facilities and habitat areas whenever feasible. This same comment indicated that Recommendation DP R14 calls on the CDFW, in cooperation with other public agencies, to collaborate with nonprofits, private landowners, and business partners to expand wildlife viewing, angling and hunting opportunities; and that Recommendation DP R16

states that public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education.

One comment stated that the scope of the EIR should be expanded to include other recreational activities beyond hunting and fishing that are considered public trust uses or values, such as kayaking, boating, bird watching, swimming, and others. The comment also stated that during construction, public notification measures should be implemented to notify the public of possible closures to the Sacramento-San Joaquin River Delta and identify alternate access points for use areas with appropriate rerouting directions.

2.15. Transportation/Traffic

One comment also indicated that activities involving demolition, reinforcement, or rehabilitation of dikes or levees on which transportation facilities are built may potentially affect state transportation facilities. Built features on top of dikes and levees may contribute additional engineering considerations related to weight loading or compaction, and the comment stated that these factors should be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans at the project level.

One comment indicated that any work or traffic control that encroaches on the State Right of Way requires an encroachment permit that is issued by Caltrans, and that traffic-related mitigation measures should be evaluated in the environmental review process and incorporated into the construction plans prior to the encroachment permit process.

No comments were received that pertained directly to Agricultural Resources, Utilities/Service Systems, Population and Housing, Mineral Resources, or Hazards and Hazardous Materials.

3. COMMENTERS

Agencies, organizations, and individuals providing oral or written scoping comments are listed in the tables below. Table 3.1. lists those individuals who provided oral comments during the scoping meeting. Table 3.2. lists the agencies and organizations that provided written comments during the scoping period outside of the scoping meeting. Written comments received are included in Appendix C. The transcript of the scoping meeting is also included in Appendix C.

Table 3.1. Oral Comments Received During Scoping Meeting

Oral Comments Received During Scoping Meeting in West Sacramento, California, June 10, 2013	
Name	Affiliation
Dave Stringer	Individual
Tom Hester	Individual - Ryer Island, Incorporated
John and Kathy Brimmer	Individuals - Ryer Island Ranch

Table 3.2. Written Comments Received During the Scoping Period

Comments Received During Scoping		
Agency/Affiliation	Name	Type of Organization
California Department of Fish & Wildlife	Scott Wilson	State Agency
Central Valley Flood Protection Board	Jay S. Punia	State Agency
Delta Stewardship Council	Cindy Messer	State Agency
California State Lands Commission	Cy R. Oggins	State Agency
California Department of Transportation	Erik Alm	State Agency
Contra Costa Water Agency	Leah Orloff	Local Agency
<i>On behalf of</i> Reclamation District 501	Hanson Bridgett LLP	Local Agency
Reclamation District 999	John Webber	Local Agency
Port of Sacramento	Rick Toft	Local Agency
<i>On behalf of</i> Islands Inc.	Hanson Bridgett LLP	Organization

APPENDIX A: MEETING NOTICE MATERIALS

- Notice of Preparation
- Display Advertisement (from Sacramento Bee and Rio Vista Beacon)
- Notification Email to the FRPA Listserv (5/20)
- State Clearinghouse Summary of Postings

APPENDIX B: SCOPING MEETING MATERIALS

- Scoping Meeting Agenda
- Comment Sheet
- Speaker Card
- Presentations: Overview, FRPA and Prospect Island
- Poster Board Map

APPENDIX C: WRITTEN & ORAL COMMENTS

- Written comments received during the scoping period (see Table 3.2)
- Written transcript of public scoping meeting (presentations and oral comments)

APPENDIX D: ABBREVIATIONS

BDCP	Bay Delta Conservation Plan
BiOp	Biological Opinion
C&E Plan	Communications and Engagement Plan
CEQA	California Environmental Quality Act
CDFW	California Department of Fish & Wildlife
CSLC	California State Lands Commission
CVFPB	Central Valley Flood Protection Board
CVP	Central Valley Project
DWR	California Department of Water Resources
DWSC	Sacramento Deep Water Ship Channel
EIR	Environmental Impact Report
FRPA	Fish Restoration Program Agreement
GHG	Greenhouse gas
ITP	Incidental Take Permit
NMFS	National Marine Fisheries Service
NOP	Notice of Preparation
RPA	Reasonable and Prudent Alternative
SWP	State Water Project
USACE	US Army Corps of Engineers
USFWS	US Fish & Wildlife Service